

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Robert Charles Maher, #301926,)	
)	Civil Action No. 6:06-1925-GRA-WMC
Petitioner,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
Mr. Padula, Warden, South Carolina)	
Dept. of Corr., et al.)	
)	
Respondents.)	
_____)	

The petitioner brought this action seeking relief pursuant to Title 28, United States Code, Section 2254. On October 5, 2006, the respondents filed a motion for summary judgment. On October 6, 2006, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the petitioner was advised of the motion for summary judgment and the possible consequences if he failed to respond adequately. When no response was forthcoming, the court filed a second order on November 22, 2006, giving the petitioner an additional opportunity to respond. This order was mailed to the petitioner's last known address (Allendale Correctional Institution, PO Box 1151, Fairfax, SC 29827). The envelope containing this order was returned to the court marked "Released" as the petitioner is apparently no longer incarcerated at Allendale Correctional Institution.

The record reveals that the petitioner was advised by order dated July 17, 2006, of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

May 18, 2007

Greenville, South Carolina


 WILLIAM M. CATOE
 UNITED STATES MAGISTRATE JUDGE